

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

GARY PADGETT, #235231)
Plaintiff)
)
vs.) CIVIL ACTION NO.2:05-CV-608-A
)
DONAL CAMPBELL, GWENDOLYN MOSLEY,)
BRYAN GAVINS, WILLIE BRYANT,)
A. JERNIGAN, et.al.,)
)
Defendants.)

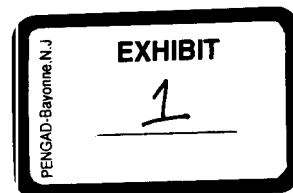
AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Bryan Gavins, who being known to me and being by me first duly sworn, deposes and says under oath as follows:

My name is Bryan Gavins and I am presently employed as a Correctional Officer I, employed by the Department of Corrections, Easterling Correctional Facility, 200 Wallace Dr., Clio, AL 36017. I am over twenty-one (21) years of age.

Inmate Gary Padgett has made several allegations concerning the Law Library. Inmate Padgett has claimed that he is in a wheel chair and no provisions for inmates who are confined to wheel chairs are made. These allegations made by inmate Padgett are false.

Inmate Gary Padgett, AIS #235251, has never made a verbal or written request to use the library. The Easterling Library has an officer assigned to supervise the library and the library functions. At no time has inmate Padgett, since his arrival on July 16, 2004, made any written or verbal requests to use the library.



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The Law Library is located in the Institutional Gym and the entrance to the gym is not equipped with a ramp. The entrance of the Gym contains a curb approximately five inches high. The gym accommodates wheel chairs frequently. If inmate Padgett had requested to use or enter into the Library, arrangements would have been made to accommodate inmate Padgett's needs.

All inmates are required to sign in when entering and sign out when exiting. Inmate Padgett has never signed into the Library; and that is supported by inmate Padgett's own complaint that the Library does not have emergency exits. There are two emergency exits in the Library, which are marked according to fire codes. Also, there are tables available for inmates to use who are wheel chair dependent. Inmate Padgett's false allegations entered in his complaint are in violation of institutional rules and could subject him to disciplinary action.

Inmate Padgett has been in the Restricted Dorm, (Dormitory 6A) since on or about July 13, 2005. Inmates there are not allowed movement as regular population and the Law Library Officer visits the Restricted Dorm to fill and receive written requests for legal material. Inmate Padgett has not filled out or requested any material from the Library.

I, COI Bryan Gavins, have not had any contact either verbal or written concerning inmate Gary Padgett and his law library needs. To my knowledge, neither have any of the clerks or workers in the library had any contact with inmate Padgett.

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Bryan Gavins
Bryan Gavins

SWORN TO AND SUBSCRIBED TO before me this the 30th day of
August, 2005.

Linda E. Seal
NOTARY PUBLIC

My Commission Expires: 7-15-07